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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,991	06/15/1998	C. ROBERT GASPARRINI	0140-4126	9125
7590 05/19/2004 MORGAN & FINNEGAN 345 PARK AVENUE NEW YORK, NY 10154			EXAMINER LAMB, BRENDA A	
			ART UNIT 1734	PAPER NUMBER
DATE MAILED: 05/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/094991

Applicant(s)

Gasparri et al

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/2/2004
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 46 and 49-56 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☒ Claim(s) 46 and 49-52 is/are allowed.
- ☒ Claim(s) 53-56 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9/2/2003 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg.

Strandberg teaches the design of a apparatus for preparing a fabric comprised of a means for mounting a first supply roll having a strip of fabric wound around a beam or shaft; a liquid treatment applying means for applying liquid treatment material which includes a known solvent, water, to form a soaked strip of fabric; a means for forming a soaked/impregnated and dried strip of fabric, and an excess liquid treatment means which includes elements 8 and 9 which are interposed between the solvent or liquid treatment applying means and the second supply roll. Strandberg teaches the squeeze rollers 8, 9 have means for adjusting nip pressure therebetween such that strip of fabric

is saturated to functional equilibrium obviously dependent on the nip pressure. The recitation that the solvent is an organic solvent does not structurally further limit the apparatus since the Strandberg liquid treatment applying means is capable of applying a variety of liquid treatments to the fabric including those which would include an organic solvent. Therefore, Strandberg's immersion roll 6 is arranged in the sizing tank 5 such that the Strandberg roll 6 is capable of treating the web with the coating material/sizing material while it is partially immersed in the coating or sizing material. Furthermore, the recitation that the at least a portion of the solvent applying is partially submerged in the solvent does not exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising".

Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Zimmer.

Strandberg is applied for the reasons noted above. The recitation that the at least a portion of the solvent applying is partially submerged in the solvent does not exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising". In any event, Zimmer shows an applicator assembly wherein the at least a portion of the solvent applying is partially submerged in the solvent but not totally immersed in the solvent. Strandberg fails to teach the solvent applying means includes a rotating roll, solvent supply roll and application roller mounted in the manner set forth in claim 54. However, it would have obvious given the modification of the Strandberg apparatus as discussed above by substituting its immersion roll with the combination of application roller and supply roller such as taught by Zimmer such that

the at least a portion of the solvent applying is partially submerged in the solvent but not totally immersed in the solvent the obvious advantage for greater control of the textile treating material applied to the web.

Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Beekhuis.

Strandberg is applied for the reasons noted above. The recitation that the at least a portion of the solvent applying is partially submerged in the solvent does not exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising". In any event, Beekhuis shows an applicator assembly wherein the at least a portion of the solvent applying is partially submerged in the solvent but not totally immersed in the solvent. Strandberg fails to teach the solvent applying means includes a solvent supply roll and application roller mounted in the manner set forth in claim 54. However, it would have obvious given the modification of the Strandberg apparatus as discussed above by substituting its immersion roll with the combination of rotating roller, application roller and supply roller partially immersed in the tank such as taught by Beekhuis such that the at least a portion of the solvent applying is partially submerged in the solvent but not totally immersed in the solvent for the taught advantage for greater control of the textile treating material applied to the web.

Claims 53 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Wenger.

Strandberg is applied for the reasons noted above. The recitation that the at least a portion of the solvent applying is partially submerged in the solvent does not

exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising". In any event, Wenger shows an applicator assembly wherein the at least a portion of the solvent applying is partially submerged in the solvent but not totally immersed in the solvent. Strandberg fails to disclose that the squeezing roller is juxtaposed with the dipping roller and submerged in the solvent. However, it would have been obvious to modify the Strandberg apparatus substituting its immersion roll with the combination of a squeezing roller which a juxtaposed with a dipping roller having its lower portion submerged in the solvent/liquid such as taught by Wenger for the taught advantage of increased rate of size impregnation.

Claims 53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of either Cocker or Millington.

Strandberg is applied for the reasons noted above. The recitation that the at least a portion of the solvent applying is partially submerged in the solvent does not exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising". In any event, it would have been obvious to modify the Strandberg solvent applying means which includes dipping roll 6 such that the roll 6 is vertically adjustable in the tank such that a portion of the solvent applying means is partially submerged in the solvent but not totally immersed in the solvent since it old in the art to provide a dipping roll arranged in an immersion tank with a vertical or height adjustment means such as taught by either Crocker or Millington for the obvious reasons to control immersion time in the bath.

Applicant's arguments filed 2/02/2004 and 6/25/2003 have been fully considered but they are not persuasive.

Applicant's argument that in order to ensure that the moisture in the web is about the same as prior to processing the use of a low volatility, organic solvent in the Strandberg apparatus would be contrary to the Strandberg teachings is found to be non-persuasive. First of all, the recitation that the solvent is an organic solvent does not structurally further limit the apparatus since the Strandberg liquid treatment applying means is capable of applying a variety of liquid treatments to the fabric including those which would include an organic solvent. Therefore, Strandberg's immersion roll 6, arranged in the sizing tank 5, is capable of treating the web with the coating material/sizing material while it is partially immersed in the coating or sizing material.

Second of all the inclusion of minute quantities of an organic solvent in the Strandberg liquid treatment applying means would not be contrary to teachings in Strandberg since Strandberg only requires that the moisture level be about the same as prior to proceeding and not exactly the same as inferred by applicant.

Claims 46 and 49-52 are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

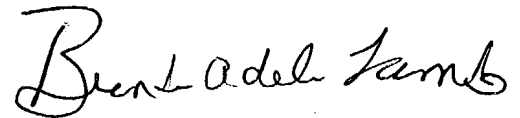
Art Unit: 1734

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number 571-272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

Lamb/tgd

April 23, 2004

A handwritten signature in cursive script that reads "Brenda A. Lamb".

**BRENDA A. LAMB
PRIMARY EXAMINER**